

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STEVEN WIATRAK and
KELVIN HENDERSON,

CIVIL NO. 05-2121 (RHK/JSM)

Plaintiffs,

v.

REPORT AND RECOMMENDATION

UNITED PARCEL SERVICE, INC.,
UPS SUPPLY CHAIN SOLUTIONS, INC.,
WORLDWIDE DEDICATED SERVICES, INC.,
INTERNATIONAL MANAGEMENT SERVICES
COMPANY (IMSCO), and TFE LOGISTICS
GROUP, INC., aka/a The TFE Group, Inc.,

Defendants.

The above matter came on before the undersigned upon Plaintiffs' Motion to Vacate [Docket No. 35] requesting the Court to vacate the Court's July 24, 2006 Order for Dismissal [Docket No. 34] and to reinstate plaintiffs' claims against defendants Worldwide Dedicated Services, Inc., United Parcel Service, Inc., and UPS Supply Chain Solutions, Inc. as pled in plaintiff's Amended Complaint. By letter dated September 22, 2006 to the undersigned [Docket No. 40], defendants indicated that they did not oppose this motion.

The matter was referred to the undersigned by the District Court for a Report and Recommendation pursuant to 28 U.S.C. § 636 (b)(1)(B).

IT IS HEREBY RECOMMENDED THAT:

1. Plaintiffs' Motion to Vacate (Docket No. 35] requesting the Court to vacate the Court's July 24, 2006 Order for Dismissal be granted and this case shall be reopened;
2. Plaintiffs' claims against Worldwide Dedicated Services, Inc., United Parcel Service, Inc., and UPS Supply Chain Solutions, Inc. as pled in plaintiff's Amended

Complaint shall be reinstated; and

3. The December 8, 2005 Pretrial Scheduling Order [Docket No. 11] shall remain in effect unless the parties show good cause to amend it.

Dated: September 25, 2006

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge

Pursuant to Local Rule 72.1(c)(2), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties on or before **October 13, 2006** a copy of this Report, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection.